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Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 17-42440 RLE

**RICK DERON JOHNSON and
FRANCESCA MARIE TOBIN-JOHNSON,**

Chapter 13

Debtors.

**MOTION TO VALUE PERSONAL
PROPERTY UNDER § 506 & FRBP
3012; NOTICE OF OPPORTUNITY
FOR HEARING; DECLARATION IN
SUPPORT; AND CERTIFICATE OF
SERVICE**

PLEASE TAKE NOTICE that Debtors request the court value the collateral described below, which secures the claim of the Creditor SafeAmerica Credit Union. Debtors also request that the amount of the Creditor's secured claim not exceed the value of the collateral, less the claims of creditors holding senior liens or security interests. This determination shall supersede any greater claim demanded in a proof of claim. Any objections to the Creditor's claim are reserved.

NOTICE IS HEREBY GIVEN, pursuant to FRBP 3007 as modified by B.L.R. 9014-1 that any objection to the requested relief, or a request for hearing on the matter must be filed and served on the requesting party within twenty-one (21) days of mailing of the notice; 2) that a

request for hearing or objection must be accompanied by any declarations or memoranda of law the party objecting or requesting wishes to present in support of its position; 3) that if there is not a timely objection to the requested relief or a request for hearing, the Court may enter an order granting the relief by default; and 4) that the initiating party will give at least seven (7) days written notice of hearing to the objecting or requesting party, and to any trustee or committee appointed in the case, in the event an objection or request for hearing is timely made.

MOTION

Debtors hereby move to value the 2014 Honda Accord at \$14,571.00, limit Creditor's secured claim to \$14,571.00, and that any amount in excess be treated as a general unsecured claim, pursuant to 11 U.S.C. §§ 506 and 1322 (b) (2), FRBP 3012 and 9014, and B.L.R. 9014-1, which determination shall become part of Debtors' confirmed Chapter 13 Plan.

Dated: October 27, 2017 /s/ Patrick L. Forte
PATRICK L. FORTE
Attorney for Debtors

DECLARATION

I declare under the penalty of perjury that the information listed below is true and correct:

1. I am the Debtor in the above-captioned case.
2. At the time I filed my Chapter 13 case, I was the owner of the 2014 Honda Accord (the "collateral").

1 3. I am informed and believe that on the date I filed my case,
2 the collateral was worth \$14,571.00.

3 4. SafeAmerica Credit Union holds a claim of approximately
4 \$14,571.00, secured by the collateral.

5 Dated: October 30, 2017

/s/ Rick Deron Johnson
RICK DERON JOHNSON

6 **CERTIFICATE OF SERVICE**

7 I am not less than 18 years of age and not a party to the within
8 case. My business address is: 1624 Franklin Street, #911, Oakland, CA
9 94612.

10 I served this MOTION TO VALUE COLLATERAL; NOTICE OF OPPORTUNITY
11 FOR HEARING; DECLARATION IN SUPPORT by first-class United States Mail,
12 postage pre-paid, at Oakland, California, on the date noted below and
13 addressed to the Claimant above, and on those listed below. If
14 entitled to notice, the Chapter 13 Trustee will receive such notice
15 upon the electronic filing of this document I declare, under penalty
16 of perjury, that the foregoing is true and correct.

17 Attn: Chuck Dunbar
18 SafeAmerica Credit Union
19 6001 Gibraltar Drive
Pleasanton, CA 94588

20 Dated: October 30, 2017

/s/ Joe P. Segura
JOE P. SEGURA